

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTOPHER MCINTYRE,

Plaintiff,

v.

DAN CLUZEL,

Defendants, *et al.*

Case No. C05-5799RJB

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On December 6, 2005, the clerk received plaintiff's civil rights complaint. (Dkt. #1). On December 20, 2005, the clerk sent plaintiff a letter informing him that he needed to submit either the \$250.00 filing fee or file a proper application to proceed *in forma pauperis*. (Dkt. #2). The clerk further informed plaintiff that he needed to provide a certified copy of his prison trust account showing transactions for the past six months (see 28 U.S.C. § 1915(a)(2)) and a written consent for payment of costs (see Local Rule CR 3(b)(2)), and that he needed to respond with the court filing fee or above information by January 19, 2006, or this action could be subject to dismissal. To date, however, plaintiff has not responded.

1 In addition, pursuant to 28 U.S.C. § 1915(b), a prisoner seeking to proceed *in forma pauperis* is  
2 required to submit a written acknowledgment and authorization form, authorizing the agency having  
3 custody over him to collect from his prison trust account an initial partial filing fee and subsequent monthly  
4 payments until the full filing fee is paid. Plaintiff has not submitted the acknowledgment and authorization  
5 form approved for use by this court.

6 Accordingly, this court orders the following:

- 7 (1) Plaintiff shall seek to cure these deficiencies by filing **no later than February 23, 2006**,  
8 either (a) the \$250.00 court filing fee, or (b) a completed and signed application to proceed  
9 *in forma pauperis*, along with (i) a certified copy of his prison trust account pursuant to 28  
10 U.S.C. § 1915(a)(2) showing the balance and activity of his account for the six-month  
11 period immediately preceding the filing of his complaint, and (ii) a completed and signed  
12 copy of the acknowledgment and authorization form pursuant to 28 U.S.C. § 1915(b)  
13 enclosed with this Order, and a completed and signed copy of the written consent required  
14 by Local Rule CR 3(b) previously sent to him by the clerk.

15 **Failure to cure these deficiencies by the above date shall be deemed a failure to**  
16 **properly prosecute this matter and the court will recommend dismissal of this matter.**

- 17 (2) The clerk is directed to send a copy of this Order to plaintiff along with the appropriate *in*  
18 *forma pauperis* application and acknowledgment and authorization forms.

19 DATED this 23rd day of January, 2006.

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23 Karen L. Strombom  
24 United States Magistrate Judge  
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